March 11, 2022

Written Testimony Submitted to the Connecticut General Assembly Joint Committee on Judiciary in support of Raised House Bill-5390.

To co-chairs Senator Winfield and Representative Stafstrom, vice chairs Senator Flexer and Representative Blumenthal, and ranking members Senator Kissel and Representative Fishbein. Thank for the opportunity to submit written testimony in support of HB-5390 - AN ACT REPEALING STATUTORY PROVISIONS THAT IMPOSE LIABILITY ON AN INDIVIDUAL FOR REPAYMENT OF COSTS INCURRED WHEN THE INDIVIDUAL WAS INCARCERATED - To repeal statutory provisions allowing the Commissioner of Correction to assess an incarcerated individual with the costs of such individual's incarceration.

My name is Annie Harper, and I am writing in support of SB-5390. The views I express today are solely my own and do not represent those of any organization or agency with which I am currently or have previously been affiliated.

I work at the Yale School of Medicine Department of Psychiatry, where I conduct research into the associations between finances, poverty, and mental health. My research has included studies seeking to understand the types of financial problems that people who have been incarcerated have when they return to their communities after release. We have found that people are often overwhelmed with debt – including debts that they may have had prior to incarceration that have fallen into arrears, or bills that have gone unpaid, debts arising from the costs of legal representation and bail, debts from loans taken from friends and family while incarcerated to be able to meet needs while in prison, and debts that arise after release, when it is difficult to get a job and people often have to borrow even more from friends and family to survive. A person's credit is often destroyed while they are in prison, which adds to the difficulty of finding employment or housing. Bad credit can also lead to further costly debt as people are obliged to borrow from high cost and predatory lenders to, for example, purchase a vehicle to be able to get to work. As people struggle to manage to pay down their debts, they have less money in their pockets to be able to pay for their own needs, in addition to supporting family members. This financial burden can lead to stressed social networks, damaging key resources that we know are essential for successful reentry. There is also a strong association between debt and both physical and mental health.

Black and Latinx people are particularly negatively impacted by financial difficulties related to incarceration, given historical and ongoing structural racism which means that these groups have much lower wealth than white people - Black families have only 10% the wealth of White families and Latinx households have only 12%, and the racial wealth gap is worsening - between 1983 and 2016, the wealth of a typical Black family decreased by more than 50%, while the wealth of a typical White family increased by 33%. Given the enormous racial wealth gap, Black and Latinx people are more likely to be burdened by debt even before incarceration, are less likely to have family wealth to help them through the financial difficulties, and more likely to face discrimination in employment and housing.

Assessing a person who has been incarcerated with the cost of that incarceration compounds all of what I have written above. While the debt that a person owes as a result of their incarceration – commonly known as the DOC lien - does not have to be paid immediately, it is in some ways even more pernicious than the types of debt already mentioned. All of those types of debt affect wealth, and add to wealth inequality, but a debt that impacts the ability of people to pass on wealth to their children is a direct attack on intergenerational wealth transfer, which is the primary source of wealth in the United States. The DOC lien, similar to the welfare lien, which was thankfully repealed recently, is an extraordinarily effective mechanism for preventing people from accumulating wealth across generations.

Another particularly problematic effect of the DOC lien is its likely impact on future orientation. We all need future orientation to enable us to plan ahead – literally, to "be willing to sacrifice immediate benefits to achieve a future desired state". People who are poor and struggling to make things work financially in the moment often lack future orientation, due to the fact that they are so focused on making things work now and tomorrow. They don't have the bandwidth to effectively plan ahead, compounding the fact that they simply don't have the financial means to invest in their future. We know that future orientation is associated with higher academic achievement, less sensation seeking, and fewer health-risk behaviors, as well as lower levels of crime and addiction. This has nothing to do with inherent intelligence and has nothing to do with culture. It is simply what happens when people are overwhelmed with having to survive, given financial challenges. When we layer on to this existing situation the threat of depleting wealth that a person may be lucky enough to receive due to an inheritance or other 'windfall', their future orientation is likely to be even further impacted.

I recognize that one of the reasons that the DOC lien was instituted was to encourage people who have been incarcerated to take responsibility for their decisions, including the financial consequences of those decisions. While I commend this motive, in practice the DOC lien has the opposite effect. It makes it much, much harder for people to be financially responsible, as it undermines even the possibility of financial stability. Given its negative impact on reentry, family support, intergenerational wealth and health, it is time to change this law.

I ask that you support HB-5390. Thank you for introducing this bill, and for the opportunity to testify,

Sincerely,

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